S.B. Civil Writ Petition No.8042/2006

Naresh Kumar Sharma
VERSUS
Regional Assistant Director & Anr.

Date:19/10/2006

HON'BLE Mr. JUSTICE ASHOK PARIHAR

Mr. S.N. Kumawat, for Petitioner.
Mr. R.N. Mathur, for respondent No.2.

BY THE COURT:

Looking to the nature of grievance raised, the writ petition is disposed of at the admission stage without issuing notices to respondent No.1

The petitioner alleged to have been declared elected as Member, Ward No.7 of the Krishi Upaj Mandi Samiti, Nawalgarh on 18.5.2006. However, it appears that subsequently, on an application filed by respondent No.2 under Rule 27 of the Rajasthan Agricultural Produce Market Rules, 1963, the competent authority, after recounting of votes, set aside the earlier declaration in favour of the petitioner and declared respondent No.2 as elected vide order dated 10.10.2006. The main grievance of the petitioner is that the above order has been passed without giving any notice or opportunity of hearing to the petitioner.

Having considered entire facts and circumstances, since the petitioner had already been declared elected, he had a right of proper opportunity of hearing before fresh declaration, so issued by the competent authority against him. In the interest of justice, the order dated 10.10.2006 is set aside. The competent authority, i.e. the Regional Assistant Director, Agriculture Marketing Board, Sikar, is

now directed to decide the application of respondent No.2 under Section 27 afresh after giving proper opportunity of hearing to all the parties concerned and pass necessary orders in accordance with law. If any party is still aggrieved by the fresh orders, so passed, it goes without saying that they will always be free to seek proper remedy before appropriate forum in accordance with law. Till fresh orders, as ordered above, are passed by the competent authority, the seat of Member of concerned Ward shall be kept vacant. It is expected from the competent authority to dispose of the matter as expeditiously as possible.

The writ petition stands disposed of accordingly.

(Ashok Parihar) J.